

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

In re Sentence Six Remands
in Social Security Cases

)
) Standing Order No. 07-1
)

This order sets forth a procedure for parties to follow in social security cases after a sentence six remand in which the Commissioner of Social Security has made a decision which is not fully favorable to the plaintiff upon remand.

42 U.S.C. § 405(g) requires that in sentence six remand cases where the Commissioner's decision is not fully favorable to the plaintiff, that the Commissioner file the transcript of the proceeding upon which his decision was based. At the time the transcript is filed, the United States Attorney's Office for the District of Kansas shall contact the plaintiff to determine whether the plaintiff intends to further pursue the case.

If the plaintiff does not intend to further pursue the case, a stipulation of dismissal pursuant to Fed.R.Civ.P. 41(a)(1) shall be filed within ten (10) days of the date the transcript is filed. If the plaintiff intends to pursue the case following remand, the plaintiff shall file an amended complaint within ten (10) days of the date the Commissioner files the transcript, thereby making clear that he or she intends to challenge the unfavorable decision of the Commissioner following remand. The Commissioner shall then file his answer within (10) days of the date plaintiff's amended complaint is filed, and the case will then be set on a briefing schedule.

If no action is taken by a plaintiff within ten (10) days of the date that the Commissioner files the transcript, the Court may schedule a conference to discuss the

status of the case.

IT IS SO ORDERED.

Dated this 24th day of April, 2007.

BY THE COURT:

s/ John W. Lungstrum

John W. Lungstrum

Chief U.S. District Judge